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EXAMINER
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JANVIER, JEAN D

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3622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/042,481	<b>Applicant(s)</b> BANERJEE ET AL.	
	<b>Examiner</b> Jean Janvier	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **Response To Applicant's Arguments**

First of all, the 112(2) Rejection is maintained. Contrary to the Applicant's findings, when a claim (or the body of a claim) fails to achieve or accomplish the goal stated in the preamble, the claim is said to be indefinite, confusing or ambiguous for failing to point out and distinctly claim the subject matter the Applicant regards as his invention as set forth in the preamble. In the present situation, the claims or at least the independent claims do not explicitly recite or disclose the process of resetting or changing the value of coupon as featured in the preambles. As best understood, the claims recite the steps of determining the value of coupon (perhaps for the first time), related to a product, based on the market demand data or transaction data associated with the product. And it cannot be immediately assumed here that the coupon, having a past value, was previously distributed and redeemed by shoppers and the (newly) determined value, as recited in the bodies of the claims, is meant to reset, alter, change or simply replace the past value (currently in use value) based on how well or how poorly the product is doing in the market or based on sale data or market data or market demand data (emphasis added). In other words, in order to reset the value of a coupon, the coupon should have been already in use and should have a present value prior to determining a (new) value for the coupon or simply to reset or alter the present value, as an ordinary skilled artisan would have understood at the time of the invention. It appears here that the Applicant is improperly reading limitations from the specification into the claims. The Examiner wants to remind the Applicant that although the claims are interpreted in light of the specification, however, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Further, claim 21 is said to be confusing for reciting a computer readable medium, containing computer code, in the preamble section, while the body of the claim contains means for or means plus function, such as “means for accessing market demand”, instead of -code for accessing market demand-. As herein presented, the claim is non-statutory under 35 USC 101 for, at least, it does not belong to any statutory class.

Second of all, Applicant argues that the prior art does teach “receiving a request for valuation of a coupon from a retailer”, as recited in at least the independent claims, and it is both physically and logically impossible to receive, contrary to the Examiner’s position that those steps are performed before the issuance of any coupon, a “request for valuation of a coupon from a retailer” prior to distribution of a coupon. **Since the claim language, continues the Applicant, requires receiving the “request for valuation” from a retailer”, the coupon must have been previously distributed. Thus, argues the Applicant, the prior art is directed to distribution of coupons and not their valuation or activities post-distribution or activities during redemption of coupons at a retailer.**

Here, the Examiner completely and respectfully disagrees with the Applicant’s conclusion. First, as seen above, the argued claim limitation, “receiving a request for valuation of a coupon from a retailer”, is indeed very broad and was interpreted as such. Further, it is improper for the Applicant to assume **since the claim language requires receiving the “request for valuation” from a retailer”, the coupon must have been previously distributed.** The latter element is critical for the understanding of the claim, especially the step of resetting

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the coupon value, and should have been incorporated in the claim. To this end, important elements, necessary for the understanding of the claims are missing therefrom. That is the reason why the claims have been rejected, inter alia, under 35 USC 112(2). Once again, it appears that the Applicant is improperly reading limitations from the specification into the claims. The Examiner wants to remind the Applicant that although the claims are interpreted in light of the specification, however, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, Barnett discloses, inter alia, a system wherein one or more printed coupons are presented by a specific user or customer for redemption in the normal or conventional fashion when shopping at a desired retailer or retail store. Following the redemption process, **subsequent to validating the presented coupons and applying the coupon values to the customers' transactions when the required products are purchased**, the redeemed coupon data (post-redemption activities) are transmitted by the desired retailer to a coupon redemption center 13 where they are electronically read and the user-specific data are recorded in a coupon redemption database (D/B) 12. Additionally, the user's transaction data including the redeemed coupon data (redemption data) are provided to the coupon issuers (manufacturers) 14 and coupon distributors 16 of fig. 1 for integration into further marketing analysis (the retail location or the store 10 has means for gathering coupon data, electronically received from the online service provider 2 on behalf of specific customers, and means for forwarding redeemed coupon data to manufacturers or issuers 14 who use the data to update their database and generate new targeted coupon packages for particular or identified customers associated with the redeemed coupon data). In other words, the coupon issuers 14 and coupon distributors 16 of fig. 1 utilize the user-specific

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data (coupons deleted, coupon printed and demographic data) along with the redemption data to update their database and generate or compile subsequent coupon packages, having coupon values, targeted specifically or directed to the user's attention (receiving a request for valuation of a coupon from a coupon issuer or product manufacturer or receiving by the coupon issuer or manufacturer redeemed coupon data and transaction data (market data) from the retailer 10 and wherein the data are used to generate at least one coupon for the user and wherein the coupon has a determined value....) (See abstract; col. 6: 58-65; col. 7: 12-20; col. 7: 45-55; col. 11: 39-43).

**In addition, the present system, via the central repository or database 40, is adapted to update or alter the coupon data, including the coupon value, already stored in the user's remote computer 6 local database without requiring the user's intervention or participation (interaction) when the user is online or visiting the service provider 2 web site. The system is further configured to delete expired coupons from the remote compute 6 local database and vary the amount or redemption (coupon) value associated with a non-expired coupon stored in the remote computer 6 local database, if need be, when the user is online (determining a new value for a coupon that has already been distributed based on some predefined conditions...-col. 4: 23-28; Col.5: 35-45; col. 12: 7-13).**

Of particular value in the present invention is the distribution of user-specific data to the coupon distribution center 16, coupon issuer 14 (manufacturer), that collates such user information, i.e. coupon redemption data and transaction data (market data or market demand), and performs marketing analysis via a marketing analysis means 17 in order to compile subsequent coupon packages targeted specifically at certain user categories. The coupon distribution center 16 (retailer or manufacturer) utilizes the user-specific redemption data along

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with user-specific demographic data supplied by the online service provider 2 (receiving requested data) in order to compile subsequent coupon data download packages for use by consumers once again (receiving by the retailer or coupon issuer requested data or post-redemption data and transaction data, valuation data or market demand data, which are used to determine at least a coupon value related to at least one generated coupon....-Col. 7: 36-55).

Moreover, the information stored in the database 11 of fig. 10 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information (redemption data and/or transaction) to arrive at different coupon packages. For example, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired (using the redemption data and transaction data or market demand data to determine that a user is a dog coupon user or has redeemed at least a dog coupon and determining accordingly a new value (low value) related a future dog coupon that is to provided to the user.... -Col. 12: 37-50).

Further, Lemon and Spector, contrary to the Applicant's contention, do address the argued claim limitations, as best understood, and the associated rejections have been updated to better reflect the Examiner's position.

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Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the current **Office Action has been made Final.**

### **DETAILED ACTION**

#### *Specification*

#### *Claims Status*

Claims 1-21 are currently pending in the Application.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 11 and 21 (including their dependent claims) are rejected under 35 USC 112(2) as being indefinite, ambiguous and confusing for failing to accomplish the desired goal stated in the preambles. For example, independent claim 1 recites in the preamble (and in the title) a method for resetting the value of a coupon based on **current** market information **or transaction data or redeemed coupon data related to the sale of a product associated with an issued coupon (emphasis added)**. However, it appears that the body of the claim discloses steps that are usually associated with the issuance of a coupon redeemable on a promoted product (and



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these steps are implicitly supported in any coupon issuance system and need not be explicitly recited therein). Thus, the body of the claim fails to achieve the stated goal featured in the preamble section, **which is resetting the value of a coupon**. Therefore, the Applicant has failed to particularly claim the subject matter for which he is seeking patent protection.

Further, claim 21 is said to be confusing for reciting a computer readable medium in the preamble section while the body of the claim contains means for or means plus function, such as “means for accessing market demand”, instead of - -code for accessing market demand--.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnett, USP 6,321,208.

As per claims 1-21, Barnett discloses a system for distributing in an interactive manner over a computer network or the Internet by an online service provider 2 of fig. 1 electronic coupons (Virtual coupons) received from coupon issuer 14 or coupon distributor 16 to registered

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users using remote computers 6 of fig. 1 wherein a central repository or database 40 of fig. 6 associated with online service provider 2 stores electronic coupon packages and a database file 42 stores users' demographic data or profile data (name, address, income, etc.), provided by the users during an online registration process with the online service provider 2, and survey responses given by the users. First, a user initially visits the online service provider 2 web site and downloads or accesses generic or untargeted electronic coupons or coupon data stored in database 40 and the demographic data collected from the user during the initial visit (registration process) are used to target specific coupon data packages for subsequently downloading by the user. It is further understood that those specific coupon data packages generated for the user or specific user are stored in the database 40 of the online service provider 2 along with uniquely created user-specific identification indicia uniquely identifying the user or customer using or participating in the online coupon distribution system (col. 7: 55 to col. 8: 5; Claim 1 of the current reference). Once the user joins the online coupon distribution system subsequent to the registration process during the initial visit, the user can connect or access or log into, by inputting via a keyboard his identification number or user-specific ID and/or login name, the online service provider 2 system having an associated web site where the said user can download (request) from database 40 of the online service provider 2 targeted coupon data, specifically directed to his attention, to his personal computer 6 where the coupon data can be stored in a local database 30 of fig. 2 or used by the user to print one or more coupons 70 as shown in fig. 5 using a printer 8 attached to the user's computer 6 (col. 8: 22-37; col. 8: 46-47; col. 6: 50 to col. 7: 11; col. 9: 33-52). The one or more printed coupons are presented for redemption in the normal or conventional fashion by the specific user or customer when shopping at a desired

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retailer. Following the redemption process, **subsequent to validating the presented coupons and applying the coupon values to the customers' transactions when the required products are purchased**, the redeemed coupon data are transmitted by the desired retailer to a coupon redemption center 13 where they are electronically read and the user-specific data are recorded in a coupon redemption database (D/B) 12. Additionally, the user's transaction data including the redeemed coupon data (redemption data) are provided to the coupon issuers (manufacturers) 14 and coupon distributors 16 of fig. 1 for integration into further marketing analysis (the retail location or the store 10 has means for gathering coupon data, electronically received from the online service provider 2 on behalf of specific customers, and means for forwarding redeemed coupon data to manufacturers or issuers 14 used to update their database and generate new targeted coupon packages for particular or identified customers associated with the redeemed coupon data); In other words, the coupon issuers 14 and coupon distributors 16 of fig. 1 utilize the user-specific data (coupons deleted, coupon printed and demographic data) along with the redemption data to update their database and generate or compile subsequent coupon packages targeted specifically or directed to the user's attention (using redemption data to update the user's virtual coupons or electronic coupons) (See abstract; col. 6: 58-65; col. 7: 12-20; col. 7: 45-55; **col. 11: 39-43**).

Further, Barnett discloses an online coupon distribution system, wherein once a user joins the online coupon distribution system subsequent to the registration process, the user can connect or access or log into, by inputting via a **keyboard** his identification number or user-specific ID and/or login name, the online service provider 2 system having a web site where the said user can download (request) from **database 40** targeted coupon data, specifically directed to the

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user's attention, to his computer where the coupon data can be stored in a local database 30 of fig. 2 or used by the user to print one or more coupons 70 as shown in fig. 5 using a printer 8 attached to the user's computer 6. The downloaded coupon data include, inter alia, a coupon value, a product UPC code related to the featured product, an expiration date and so on.

(Col. 8: 22-37; col. 8: 46-47; col. 6: 50 to col. 7: 11; fig. 5). **In addition, the present system, via the central repository or database 40, is adapted to update or alter the coupon data already stored in the user's remote computer 6 local database without requiring the user's intervention or participation (interaction) when the user is online or visiting the service provider 2 web site. The system is further configured to delete expired coupons from the remote compute 6 local database and vary the amount or redemption (coupon) value associated with a non-expired coupon stored in the remote computer 6 local database, if need be, when the user is online (col.5: 35-45).**

In addition, and in general, Barnett explicitly discloses, in the background section, that US Patent 5, 176, 224 to Spector teaches a closed-loop coupon system, which consists of a kiosk type or coupon dispenser-printer system located at a retail store (in-store redemption system). The kiosk or coupon dispenser-printer system is linked to the manufacturer's system in order to obtain specific coupon information. A consumer selects the desired coupon at the kiosk and the coupon is printed and dispensed. Subsequently, the consumer presents the printed coupon at the cash register where a discount is applied and the discount transaction data are transmitted back to the manufacturer for further marketing analysis. Furthermore, Barnet discloses that US Patent 4, 674, 041 to Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display

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for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached.

Of particular value in the present invention is the distribution of user-specific data to the coupon distribution center 16, coupon issuer 14 (manufacturer), that collates such user information, i.e. coupon redemption data and transaction data (market data or market demand), and performs marketing analysis via a marketing analysis means 17 in order to compile subsequent coupon packages targeted specifically at certain user categories. The coupon distribution center 16 (retailer or manufacturer) utilizes the user-specific redemption data along with user-specific demographic data supplied by the online service provider 2 (receiving requested data) in order to compile subsequent coupon data download packages for use by consumers once again (receiving by the retailer or coupon issuer requested data or post-redemption data and transaction data, valuation data or market demand data, which are used to determine at least a coupon value related to at least one generated coupon....-Col. 7: 36-55).

Finally, the information stored in the database 11 of fig. 10 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information (redemption data and/or transaction) to arrive at different coupon packages. For example, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria

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and objectives, the analysis means will generate coupon packages as desired (using the redemption data and transaction data or market demand data to determine that a user is a dog coupon user or has redeemed at least a dog coupon and determining accordingly a new value (low value) related a future dog coupon that is to provided to the user.... -Col. 12: 37-50).

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemon, USP 4,674,041.**

As per claims 1-21, Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Indeed, the system enables a manufacturer to control its liability for coupons and to deter fraudulent redemption. Here, the manufacturer may prescribe (limit) a particular number of coupons to be redeemed collectively, i.e. throughout all retail stores, and/or at each particular retail store. The present system also greatly reduces the possibility of fraud by enabling coupons to be encoded with store identification numbers, expiration dates, uniform product codes, and

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other information at the point of distribution or at a retail store or at the time of printing (printing information on a customer's printed coupon).

The present apparatus comprises, among other things, a stand-alone coupon dispensing terminal T (kiosk) is provided at each retail store or retail location. Each stand-alone terminal communicates with a host central processing unit (remote location) located remote from the stores. Coupons are displayed for customer selection at each dispensing terminal on a video menu via a cathode ray tube and touch screen combination in a fashion that enhances customer acceptance by reducing the time necessary to select and obtain coupons (retrieving and displaying coupons available to the customer upon receiving by the remote database from terminal T as entered by the customer via an input device the customer account). Each terminal may be monitored and controlled via the host computer or remote database to obtain data such as the number of coupons issued and the identification of customers using the terminal. **The system enables the manufacturer to limit, using the redemption data collected from participating retailers' POSes, the number of a particular coupon issued from a particular Terminal T related to a retailer's location or throughout the entire system.**

Using the present system, the manufacturer (vendor or retailer) is able to control (adjust) or to simply terminate in real-time the display of a particular coupon, having a determined value, at a retailer's location or throughout the entire retailers' locations upon detecting, using the collected redemption data (requested data or market demand data) transmitted from the retailers' to host computer H, that a threshold limit has been reached or a preset number of the coupon, associated with a product, has been successfully redeemed at a store or throughout a plurality of stores (receiving by the retailer or

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manufacturer requested data or post-redemption data and transaction data, valuation data or market demand data, which are used to determine at least a new coupon value related to at least one coupon having coupon data already stored in a local database or kiosk database). **In general, each terminal includes a self-contained high speed coupon printer, which prints the product information, date, time of day, uniform product code, expiration date, a store identification number or any other information desired for particular applications on each coupon issued (col. 1: 55 to col. 2: 24; col. 4: 35-64).**

Additionally, Host computer H (remote database) monitors the operation of the individual terminals T and provides terminals T with the information necessary to dispense the coupons requested by customers. Host computer H stores the data, which constitute the array of coupons available for selection that will be displayed on each terminal T. Thus, the operator or manufacturer is able to control the display of coupons at each and every remote terminal T via host computer H. Host computer H also retains other information such as the date and time of day, which are used by the terminals T to achieve the desired results of the present system. **Host computer H also is programmed to interact with terminals T to allow the operator to prescribe per store and collective limits for each coupon (or for the number of redeemed coupons), thereby controlling the manufacturers liability.** More importantly, host computer H or remote database is programmed to receive from the terminals T coupon transaction information including the number and type of coupons dispensed, store identification numbers, and customer account numbers. Host computer H is programmed to use the information to generate the weekly reports 4 and 6 (FIG. 1) for the manufacturer and retailer, respectively (col. 4: 35-64).



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Preferably, the coupon distribution system, as shown in fig. 1, is illustrated in its role in the over-all coupon reporting and redemption process. The system includes a coupon control system, which interacts with a consumer to selectively dispense coupons as requested. The system also generates reports 4 and 6 regarding coupon distribution for the manufacturers and retailers, respectively. Here, the manufacturer is able to prescribe limits for distribution of particular coupons on a collective and per store basis (fig. 1). The report 4 is provided to the manufacturer on a periodic basis, such as a weekly basis and includes coupon distribution information for each retail outlet. Report 4 may include the number of coupons dispensed, the store identification information, the dates and times of distribution, and customer identification data. This information is valuable to the manufacturer both as an aid in analyzing its marketing techniques and in detecting fraudulent coupon distribution or redemption. The report 6 provided to retailers is essentially like report 4, but includes information only as to the particular retail store(s) involved. Typically, retailers forward the report 6 to a retail chain headquarters 10 or a clearinghouse 12 to provide a collective accounting for the retail chain or region. In either event, the coupon distribution information is presented to a **redemption center 14**, which receives such information from retailers throughout the country and prepares a billing statement and report 16 for each participating manufacturer. The reports 16 and 4 are compared to detect errors or fraudulent claims. For example, if the number of coupons presented for redemption exceed the number of coupons dispensed as noted in report 4, then the manufacturer may refuse to make payment to the retailers for the excess. Once the system is utilized, such discrepancy will be minimized since the manufacturer will be able to pin point and investigate error sources. The

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manufacturer will make payment to the particular retailers, thereby concluding the periodic, quarterly, monthly or weekly transaction (col. 3: 29 to col. 4: 6).

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Spector, USP 5,176,224.**

As per claims 1-21, Spector discloses a closed-loop computer-controlled merchandising coupon system including a coupon printer-dispenser installed at each supermarket, thereby making it possible for a shopper to receive a merchandising coupon entitling him/her to a specified discount on the product identified in the coupon. **The printer, which is computer-controlled, is linked to at least one manufacturer** whose product is available in the supermarket, the manufacturer (vendor) instructing the printer as to the data to be printed. The printer, when actuated by the shopper, prints on a universal coupon blank (coupon template) the identity of the manufacturer's product and the discount to which the holder or shopper is entitled as determined by the manufacturer and the printed coupon is then being dispensed or outputted. When the shopper purchases the required product and redeems the printed coupon at a checkout counter at the supermarket, the shopper is accorded the specified discount (the specified discount

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is being applied accordingly). In general, checkout counters at the supermarkets or retailers' POSes, having coupon dispenser installations, are linked to each respective manufacturer or vendor **to transmit thereto redemption data**, thereby completing the closed loop **and the manufacturer (the at least one manufacturer or retailer) is being provided with a real-time readout or report of discount coupon transactions (redeemed coupon data or requested data or market data)** so that on the basis of this readout or report, the manufacturer or retailer can alter or update a database containing the coupon data or to simply alter the discount amount, **associated with a product coupon having a determined coupon value, to be printed on future blank coupons (for the same product) in response to the redemption data (market conditions) received from at least one retailer or supermarket redeeming or honoring the printed coupon presented by the shopper** (receiving by the retailer or manufacturer requested data or post-redemption data and/or transaction data, valuation data or market demand data, which are used to determine at least a new coupon value related to at least one coupon having coupon data already stored in a local database or kiosk database-See abstract; col. 1: 9-17).

The present system enables a manufacturer to alter in real-time the discount value associated with a product and corresponding with future printed coupons dispensed within retailers' locations or supermarkets' based on received redemption data (redemption rate) related to printed coupon identifying the product (col. 1: 66: to col. 2: 50. Here, it is desirable, that if a new product is being heavily promoted by way of discounts coupons, that these coupons be made directly available to shoppers at the supermarket, for most shopper decisions are made at a point of purchase, not when the shopper sees a coupon in a magazine or newspaper. **Also desirable is**

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**that the manufacturer be advised on-line, as it were, in regard to the volume of sales of a particular discounted item, for then should the volume be disappointing, he can further mark down the item by increasing the discount, or should the volume be greater than anticipated, he can decrease the discount (determining a coupon value based on the current market data and, once determined or computed, this information or the determined coupon value should be communicated or provided to the product manufacture, vendor or retailer-(col. 4: 15-26).**

Once again, Spector discloses a coupon printer-dispenser located at each supermarket and linked by satellite or other means to a computer station at the headquarters of at least one manufacturer (vendor) of a particular product, and the discount amount to be printed on the coupon or rebate is determined at headquarters and can be changed in real-time in response to the real-time receipt of redemption data, thereby keeping with promotional requirements or market conditions). **Also is provided a closed loop interactive system in which the volume of coupon redemption transactions which take place at each supermarket is transmitted to the manufacturer's headquarters, from which volume the manufacturer can evaluate the effectiveness of his promotional campaign. The use of the closed loop system enables the manufacturer (or at the least one vendor) to evaluate the effect of specific discount amounts on shoppers and to tailor the discount on a particular product so as best to promote the sale of the particular product.** Further, the system is also configured to associate discount coupons with UPC bar code indicia, imprinted thereon, so that when a coupon is redeemed, data as to the transaction can be recorded at a supermarket computer terminal in digital terms and can also be transmitted to the manufacturer's headquarters.

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Briefly stated, these objects are attained in a closed-loop computer-controlled merchandising coupon system which includes a coupon printer-dispenser installed at each supermarket, making it possible for a shopper to receive a merchandising coupon entitling him to a specified discount on the product identified in the coupon. The printer, which is computer-controlled, is linked to at least one manufacturer whose product is available in the supermarket, the manufacturer instructing the printer as to the data to be printed thereon. The printer, when actuated by the shopper, prints on a universal coupon blank the identity of the manufacturer's product and the discount to which the holder is entitled as then determined by the manufacturer, the printed coupon then being dispensed. When the shopper purchases this product, featured on the printed coupon, and redeems the coupon at a checkout counter at the supermarket, he is accorded the specified discount. Checkout counters at the supermarkets having coupon dispenser installations therein are linked to each manufacturer, thereby completing the loop and the manufacturer being provided with a readout or report of discount coupon transactions so that on the basis of this readout, he can alter the discount amount to be printed on the blank coupon.

See col. 4: 30 to col. 5: 20; figs 1-4.

Finally, in the present system, the discount to be accorded is determined not long in advance of a sale (or is determined in substantially real-time), but on the day of the sale when an announcement of the sale appears on electronic sign 10 within a retailer's location. The typical manufacturer of products, sold in supermarkets, has a line of diverse products, and what he instructs dispenser 12 is which product identification and size to print and also the discount to be accorded this product. The shopper 20 then takes the printed coupon 17 and goes to a shelf to remove the product therefrom. He puts the product in his shopping cart along with other products

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to be purchased. At the checkout counter, the store clerk not only scans on a reader the UPC code on the purchased product subject to discount, but he also scans the UPC code on the machine-readable discount coupon to record in a local computer terminal 22 associated with the checkout counter the discount given to the product. The data regarding coupon discount transactions, which are entered into computer terminal 22 are transmitted by a satellite, cable, telephone or other link to computer station 19 at the manufacturer's headquarters, thereby closing the loop. **Thus at the headquarters, one or a vendor or a manufacturer of a product is able not only to instruct the printer-dispenser 12 of fig. 2 what coupons to print and the discount to be given the product on sale, but also to see and evaluate the reaction to the sale, for headquarters are informed as to the volume of coupon transactions in all supermarkets throughout the system. And headquarters or respective vendors can on the basis of incoming information (redemption data or market conditions) raise or lower the discount being given on a particular product or item so as to best promote the given product without unduly lowering its price. Hence in this system, the manufacturer interacts with the retail operation, and both the manufacturer and the retailer benefit from this interaction. It is herein understood that when one part (coupon value) of the stored coupon data related to a product from a vendor is modified in response to incoming redemption information (market conditions), then all subsequently printed coupons corresponding to the product will be altered accordingly.**

See (Col. 6: 43 to col. 7: 9; See claims 1, and 3-4).

### **Conclusion**

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

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02/26/07

**JDJ**

**Jean D. Janvier**

**Patent Examiner**

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*Tanner Jean Perio*